

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCOTT,

Plaintiff,

vs.

Case No. 09-CV-12129
HON. GEORGE CARAM STEEH

BERNADETTE STONE, MICHAEL LEWIS,
JAN BIGELOW, and TRACIE SHAW,

Defendants.

ORDER DISMISSING CLAIMS WITHOUT PREJUDICE
PURSUANT TO SEPTEMBER 14, 2009 ORDER (# 21)

The circumstances of this case are set forth in the court's earlier September 14, 2009 Order granting the defendants' motion to impose costs and stay proceedings, and November 17, 2009 Order denying pro se plaintiff David Scott's motion to modify order. On September 14, 2009, Scott was ordered pursuant to Federal Rule of Civil Procedure 41(d) to pay the Office of the Michigan Attorney General \$1,285.07 in costs incurred in Scott v. Stone, 03-75123 ("Scott I"), and to pay the Clerk of the Court \$1,616.55, representing the cost of assembling jurors in Stone I. The matter was stayed until Scott demonstrated to the court on or before December 14, 2009 that these costs had been paid. Scott was forewarned that this lawsuit would be dismissed if he failed to demonstrate to the court on or before December 14, 2009 that these costs had been paid. On November 17, 2009, the court denied Scott's motion to modify the September 14, 2009 Order. Scott has failed to demonstrate that he has paid the costs as ordered. Accordingly,

Scott's claims are hereby DISMISSED, without prejudice, in their entirety. Before again refiling this lawsuit, Scott is hereby ORDERED to show cause before refiling that he

has in fact paid the costs as required under the September 14, 2009 Order. Any refiling of this lawsuit SHALL prominently indicate that the refiling is a companion case to Scott v. Stone, 03-75123 (GCS) and Scott v. Stone, 09-12129 (GCS). Scott's failure to demonstrate that he has paid the costs under the September 14, 2009 Order and/or failure to prominently identify any refiling as a companion case to Scott v. Stone, 03-75123 (GCS) and Scott v. Stone, 09-12129 (GCS) will result in the denial or dismissal of the refiling.

SO ORDERED.

Dated: December 15, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 15, 2009, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk